

ASSEMBLY BILL

No. 2346

**Introduced by Assembly Member Baker
(Coauthor: Assembly Member Obernolte)**

February 18, 2016

An act to amend Section 10952.5 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2346, as introduced, Baker. Public social services: hearings.

Existing law provides various public social services and requires that an applicant for, or recipient of, public social services be accorded an opportunity for a state hearing if, among other reasons, the applicant or recipient is dissatisfied with any action of the county department relating to his or her application for, or receipt of, public social services. Existing law requires, if regulations require a public or private agency to write a position statement concerning the issues in question in a fair hearing, or if the agency chooses to develop such a statement, the agency to make available to the applicant or recipient a copy of the agency's position statement at the county welfare department not less than two working days prior to the date of the hearing. Existing law excludes the State Department of Health Care Services and the State Department of Public Health from that requirement.

This bill would additionally require a public or private agency to provide a copy of the agency's position statement to the applicant or recipient through electronic means and would require the State Department of Health Care Services to make its position statement available to the applicant or recipient and the State Department of Social

Services through electronic means, as specified. The bill would also make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10952.5 of the Welfare and Institutions
2 Code is amended to read:
3 10952.5. (a) If regulations require a public or private agency
4 to write a position statement concerning the issues in question in
5 a fair hearing, or if the public or private agency chooses to develop
6 ~~such a~~ *that* statement, not less than two ~~working days prior to~~
7 *business days before* the date of a hearing provided for pursuant
8 to this chapter, the public or private agency shall make available
9 to the applicant for, or recipient of, public social services requesting
10 a fair hearing, a copy of the public or private agency's position
11 statement on the forthcoming hearing. The public or private agency
12 shall make the copy available to the applicant or recipient at the
13 county welfare ~~department.~~ *department and through electronic*
14 *means.* A public or private agency shall be required to comply
15 ~~with the provisions of this section only if the public or private~~
16 agency has received a 10-day prior notice of the date and time of
17 the scheduled hearing.
18 If
19 (b) *If* the public or private agency does not make the position
20 statement available not less than two ~~working days prior to~~ *business*
21 *days before* the hearing or if the public or private agency decides
22 to modify the position statement, the hearing shall be postponed
23 upon the request of the applicant or recipient, ~~provided if~~ an
24 applicant or recipient agrees to waive the right to obtain a decision
25 on the hearing within the deadline that would otherwise be
26 applicable under regulations. A postponement for reason of the
27 public or private agency not making the position statement
28 available within not less than two ~~working~~ *business* days shall be
29 deemed a postponement for good cause for purposes of determining
30 eligibility to any applicable benefits pending disposition of the
31 hearing.
32 ~~For purposes of this section "public or private agency" shall not~~
33 ~~include the State Department of Health Services.~~

1 (c) Subdivisions (a) and (b) shall not apply to the State
2 Department of Health Care Services or the State Department of
3 Public Health, except that the State Department of Health Care
4 Services shall make its position statement available to the applicant
5 or recipient and the State Department of Social Services through
6 electronic means not less than two business days before the
7 scheduled hearing.

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